IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 55 of 2004

Between:

K.Savitri, w/o late B.Narayana,
Record Assistant, r/o 4-6-97/6, Rambag,
Attapur, Ranga Reddy District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep. by its Secretary,
Education Department, Secretariat Buildings, Hyderabad.
2 The Director of School Education, Saifabad,
Andhra Pradesh, Hyderabad.
3 The District Educational Officer, Hyderabad District, Hyderabad.
4 The Correspondent, Kasturba Girls High School, H.No.19-1-253,
Dood Bowli, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the proceedings L.Dis.No.1310/B2-4/2000 dated 28-10-2003 issued by the 2nd respondent as illegal, arbitrary, void, unjust and contrary to the rules by setting aside the same and to declare that the petitioner is entitled to be absorbed in aided Record Assistant Post and by consequently directing the respondents to release all the consequential benefits attached to the post from the date of her appointment

Counsel for the Petitioner: SMT.K.SWARNA SESHU

Counsel for the Respondents 1 to 3 : GP FOR EDUCATION

Counsel for the Respondent No.4: None appeared.

The Court made the following :

ORDER:

Heard both sides.

The petitioner, who has been working as Record Assistant, filed this Writ Petition, inter alia, seeking to assail the impugned orders dated 28.10.2003 of the second respondent rejecting her case for absorption in the aided post on the ground that she is not eligible.

The learned counsel appearing for the petitioner submits that having regard to the principles laid down by a Division Bench of this Court in *K.C.High School, Kortharedypalem, Guntur & Ors. V. Govt. of Andhra Pradesh, Education Department, Secretariat, Hyderabad* and in view of G.O.Ms. No.135 School Education (PS.I) Department, dated 13.11.2003, the petitioner's case squarely falls well within the parameters laid down therein.

The learned Government Pleader appearing on behalf of the respondents sought to contest the same.

However, on a reading of the impugned order, none of these aspects have come up for consideration in the impugned order. In view of the same, it is felt desirable that the matter shall be reconsidered in terms of the principles laid down in the above decision and also G.O. Ms. No. 135, dated 13.11.2003.

The Writ Petition is, accordingly, allowed setting aside the impugned order. The respondents are directed to reconsider the case of the petitioner afresh and pass orders on merits after giving notice and opportunity. No costs.

(B.Prakash Rao,J.)

21.12.2004

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on

Tuesday, the twenty first day of December Two thousand and Four.

…. Registrar

Copy to:

1 The Secretary, Education Department, State of Andhra Pradesh,
Secretariat Buildings, Hyderabad.
2 The Director of School Education, Saifabad,
Andhra Pradesh, Hyderabad.
3 The District Educational Officer, Hyderabad District, Hyderabad.
4 The Correspondent, Kasturba Girls High School, H.No.19-1-253,
Dood Bowli, Hyderabad.

5 Two CCs to the G.P. for Education, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)

6 Two CD copies.